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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

REPLY BRIEF FOR THE APPELLANT

Ex parte TRAN

**METHOD AND APPARATUS FOR REGULATING TRANSCEIVER POWER
CONSUMPTION FOR A TRANSCEIVER IN A COMMUNICATIONS NETWORK**

Serial No. 09/886,859

Appeal No.:

Group Art Unit: 2116

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Appellant:

Hoang Tan TRAN

Appeal No.:

Serial Number: 09/886,859

Group Art Unit: 2116

Filed: June 21, 2001

Examiner: Paul B. Yanchus

For: METHOD AND APPARATUS FOR REGULATING TRANSCEIVER POWER
CONSUMPTION FOR A TRANSCEIVER IN A COMMUNICATIONS NETWORK

REPLY BRIEF ON APPEAL

January 18, 2008

I. INTRODUCTION

This Reply Brief is filed in response to the Examiner's Answer dated November 20, 2007. In that Examiner's Answer, while no new grounds of rejection are made, comments and explanations are provided which are tantamount to new points of argument. This Reply Brief, therefore, is submitted to address these new points of argument, and to clarify why claims 1-24 of the pending application should be considered to be patentable over Bar-Niv (U.S. Patent No. 6,442,142) and Uppunda (U.S. Patent No. 6,678,728), and, therefore, should be found by this Honorable Board of Patent Appeals and Interferences to be allowable.

This Reply Brief addresses a few of the deficiencies of the Examiner's Answer. Appellant's Appeal Brief, however, is maintained, and failure to repeat the arguments contained therein, or to address one or more argument set forth in the Examiner's Answer should not be construed as waiver or an admission. The Appeal Brief speaks for

itself, and this Reply Brief merely supplements the Appeal Brief to address certain aspects of the Examiner's Answer.

II. STATUS OF CLAIMS

Claims 1-24, all of the claims pending in the present application are the subject of this appeal. Claims 1-5, 11-17, and 23-24 were rejected under 35 U.S.C. §102(e) as being anticipated by Bar-Niv (U.S. Patent No. 6,442,142). Claims 6-10 and 18-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-Niv, in view of Uppunda (U.S. Patent No. 6,678,728).

III. APPELLANT'S ARGUMENTS

Appellants respectfully submit that each of pending claims 1-24 recites subject matter that is not taught, disclosed, or suggested by Bar-Niv and Uppunda, whether viewed individually or in combination. As discussed in Appellant's Appeal Brief, Bar-Niv fails to disclose or suggest "wherein the transceiver state machine includes a wake-up control and a power down control, the wake-up control being configured to send power control signals to a transmitter and the power down control being configured to send power control signals to all components of the transceiver," as recited in claim 1 and similarly recited in claim 13.

In the Examiner's Answer, the Examiner appears to take the position that the energy-on state machine and power module of Bar-Niv together act as a wake-up control and power-down control for the transceiver (Examiner's Answer, page 8). In other words, the Examiner appears to have taken the position that the power module of Bar-Niv

corresponds to the wake-up control of the present invention and that the ENERGYON signal of Bar-Niv corresponds to the power down control of the present invention. In particular, the Examiner's Answer states that the energy-on state machine of Bari-Niv "instructs the power module to either supply power to the transceiver circuitry or to not supply power to the transceiver circuitry" (Examiner's Answer, page 8). Appellants respectfully submit that the Examiner has failed to consider the claim limitations in their entirety.

Bar-Niv discloses that the power module receives the ENERGYON signal and, responsive thereto, supplies power to operate modules of the device (Bar-Niv, Column 2, lines 41-43). In other words, Bar-Niv teaches that the power module receives an ENERGYON signal and, based on the level of that signal, supplies power to the transceiver circuitry or powers down the transceiver circuitry.

Claims 1 and 13, on the other hand, recite a first element (the wake-up control) which sends power control signals to a transmitter and another element (the power down control) which sends power control signals to all components of the transceiver. According to embodiments of the present invention, both a wake-up control and power down control are provided. The wake-up control, included in the transceiver state machine of the present invention, sends power control signals to a transmitter. The power down control of the present invention sends power control signals to all components of the transceiver, except the transmitter and signal detection. The power control signal being sent is automatically determined in response to the presence or absence of an energy detect signal (Specification, Page 8, lines 17-27).

Bar-Niv, as discussed above, merely teaches the use of a power module that

powers down or powers up the transceiver circuitry based on the ENERGYON level. Nowhere does Bar-Niv disclose a control which sends power control signals to a transmitter and a control which sends power control signals to all components of the transceiver. Rather, Bar-Niv only discloses a power module that supplies power to the transceiver circuitry when the ENERGYON signal is at level 1 (Bar-Niv, Column 4, lines 15-16 and Column 6, line 30).

The Examiner's Answer asserted that the transceiver circuitry would inherently include some type of transmitter (Examiner's Answer, page 9). However, Appellants note that a "claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Bar-Niv teaches that the transceiver circuitry includes "a link monitor 34, and an autonegotiation mechanism 36. The autonegotiation mechanism selects an operating mode of the transceiver, as explained in the Background of the Invention. Link monitor 34 checks for link signals on communication line 14. If link signals are present, monitor 34 generates a LINK_ON signal. If link signals are not present, monitor 34 generates a LINK_OFF signal" (Bar-Niv, Column 4, lines 17-25). Bar-Niv does not disclose, either inherently or expressly, that the transceiver circuitry includes a transmitter which receives power control signals from a wake-up control.

Therefore, Appellants respectfully submit that Bar-Niv fails to disclose or suggest "wherein the transceiver state machine includes a wake-up control and a power down control, the wake-up control being configured to send power control signals to a transmitter and the power down control being configured to send power control signals to

all components of the transceiver,” as recited in claim 1 and similarly recited in claim 13. Accordingly, the Board’s reversal of the rejection is respectfully requested.

Claims 2-5, 11, 12, 14-17, and 23-24 are dependent upon claims 1 and 13, respectively, and recite additional limitations. As outlined above, Bar-Niv does not disclose or suggest all of the limitations of claims 1 and 13. Thus, claims 2-5, 11, 12, 14-17, and 23-24 are patentable at least for the reasons claims 1 and 13 are patentable, and further, because they recite additional limitations. Accordingly, it is respectfully requested that this rejection be reversed and these claim allowed.

Claims 6-10 and 18-22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bar-Niv in view of Uppunda (U.S. Patent No. 6,678,728). The Office Action took the position that Bar-Niv discloses all the elements of claims 6-10 and 18-22, with the exception of controlling the transceiver to transmit link determination signals to devices on the communications network when the transceiver is in a power-down mode. The Office Action then relied upon Uppunda as allegedly curing this deficiency in Bar-Niv.

Appellants submit that each of claims 6-10 and 18-22 recite subject matter that is not taught or disclosed by the combination of Bar-Niv and Uppunda, and as such, the Board’s reversal of the rejection is respectfully requested.

Claims 6-10 and 18-22 are dependent upon claims 1 and 13, respectively, and recite additional limitations. As outlined above, Bar-Niv does not disclose or suggest all of the limitations of claims 1 and 13. Furthermore, Uppunda does not cure the deficiencies of Bar-Niv. Thus, claims 6-10 and 18-22 are patentable at least for the reasons claims 1 and 13 are patentable, and further, because they recite additional

limitations. Accordingly, it is respectfully requested that this rejection be reversed and these claim allowed.

IV. CONCLUSION

As explained above and in the Appeal Brief, each of claims 1-24 recites subject matter which is neither disclosed nor suggested by the cited art of Bar-Niv and Uppunda.

As such, Appellants submit that the final Office Action has failed to establish a prima facie case for anticipation or obviousness. This final rejection being in error, therefore, it is respectfully requested that this honorable Board of Patent Appeals and Interferences reverse the Examiner's decision in this case and indicate the allowability of application claims 1-24.

In the event that this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees which may be due with respect to this paper may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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